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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,039	08/14/2001	Stuart D. Asakawa	10007920-1	1188

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FORT COLLINS, CO 80527-2400

EXAMINER

AMINZAY, SHAIMA Q

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/930,039	<b>Applicant(s)</b> ASAKAWA, STUART D.	
	<b>Examiner</b> Shaima Q. Aminzay	<b>Art Unit</b> 2684	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,10-13 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,6-8,11-13 and 16 is/are allowed.
- 6) ☒ Claim(s) 5,10,15,17-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## ***Detailed Action***

### ***Claim Rejections - 35 USC § 103***

◆ The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 5, 10, 15, 17, 18, 19, 20, 21, 22, and 23 are rejected under 35 U.S.C. 103(a) as being as being unpatentable over Sorensen U. S. Publication Number 20020061009 and in view of Carlson U. S. Publication 20020071416.

Regarding Claim 5, Sorensen teaches a method for forming a wireless network (see for example, Figure 7, paragraph [0053], and lines 1-4) comprising:

(a) broadcasting a network invitation signal to a potential member of the wireless network that are within a range of the wireless network (see for example, paragraph [0032], lines 1-4, and [0033], lines 1-6); and, (b) upon a potential member of the wireless network responding affirmatively to join the wireless network (see for example, paragraph [0033], lines 6-12), performing the

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following: (b.1) obtaining identification information from the potential member (see for example, paragraph [0033], lines 3-6), and (b.2) including the potential member within the wireless network (see for example, paragraph [0033], lines 6-12).

However, Sorensen does not specifically teach that upon the wireless network losing contact with potential member, excluding the potential member from the wireless network.

Carlson teaches losing contact and excluding from the wireless network. (see for example, paragraph [0057], lines 1-16).

It would have been obvious to one of ordinary skill in the art at the time invention was made to combine Carlson's wireless access with Sorensen's wireless network establishing connections (see for example, paragraph [0032], lines 1-4) to provide a wireless system with unlimited service "geographically (i.e., the cell phone may only operate in certain zones, areas of coverage that can be limited by city, state or country)" and to increase the range of access devices (Carlson, paragraph [0008], lines 1-5, and paragraph [0010], lines 1-10).

Regarding claims 10, and 15, Sorensen teaches a storage media which when executed on a computing device (see for example, paragraph [0066], lines 1-12), and a method by which a potential member interacts with a wireless network (see for example, paragraph [0033], lines 2-12), the method comprising the following:

(a) upon the potential member receiving a broadcast network invitation signal to join the wireless network (see for example, paragraph [0033], lines 1-12) performing the following by the potential member: (a.1) when the potential member wishes to join the wireless network (see for example, paragraph [0033], lines 1-3), performing the following: responding affirmatively to the broadcast network invitation signal to join the wireless network (see for example, paragraph [0033], lines 10-12), and providing identification information to the wireless network in response to a request for the identification information (see for example, paragraph [0033], lines 6-8), and (a.2) when the potential member does not wish to join the wireless network (see for example, paragraph [0052], lines 1-7), performing the following: responding negatively to the broadcast network invitation signal to join the wireless network (see for example, paragraph [0052], lines 1-7).

However, Sorensen does not specifically teach losing contact and excluding from the wireless network.

Carlson teaches losing contact and excluding from the wireless network. (see for example, paragraph [0057], lines 1-16)

It would have been obvious to one of ordinary skill in the art at the time invention was made to combine Carlson's wireless access with Sorensen's wireless network establishing connections (see for example, paragraph [0032], lines 1-4) to provide a wireless system with unlimited service "geographically (i.e., the cell phone may only operate in certain zones, areas of coverage that

can be limited by city, state or country)" and to increase the range of access devices (Carlson, paragraph [0008], lines 1-5, and paragraph [0010], lines 1-10)

Regarding claim 17, Sorensen and Carlson teach claim 5, and further, Sorensen teaches a second potential member of the wireless network responding negatively to join the wireless network, excluding the second potential member from the wireless network (see for example, paragraph [0052], lines 1-7).

Regarding claims 18, 20, and 22, Sorensen and Carlson teach claims 5, 10, 15, and further, Sorensen teaches potential members of the wireless network include users with one of the following devices: a personal digital assistant; a notebook computer; a cellular phone; a pager (see for example, paragraph [0002], lines 1-4, and [0032], lines 1-4).

Regarding claims 19, 21, and 23, Sorensen and Carlson teach claims 5, 10, 15, and further, Sorensen teaches the range of the wireless network includes public, and private networks (see for example, paragraph [0023], lines 1-8, for example that can include store site; a sports stadium; a sports pavilion; a

museum; a tourist site; a university; a school; an apartment complex; a home; a manufacturing location; a research site, and etc.).

***Allowable Subject Matter***

2. Claims 1, 2, 3, 6, 7, 8, 11, 12, 13, and 16 are allowed.

***Respond to Argument***

3. Upon updating the search, newly discovered references are found to be appropriate to reject claims 5, 10, 15, and 17-23.

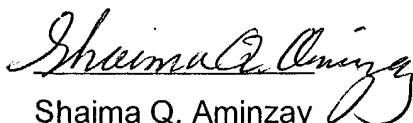
### **Conclusion**

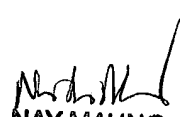
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 form.

### **Inquiry**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 703-305-8723. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Shaima Q. Aminzay  
(Examiner)

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER  
Nay Maung  
(SPE)  
Art Unit 2684

October 6, 2004